



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

May 31, 2022

VIA ELECTRONIC MAIL ONLY

To: Addressees (See Attachment A)

Re: Lower Passaic River Study Area, Diamond Alkali Superfund Site, New Jersey

Dear Counsellors:

As you know, on March 2, 2022, EPA issued a Notice of Potential Liability and Notice of Consent Decree Negotiations to the parties EPA identified as work parties. The notice letter provided an opportunity to engage in conflict resolution through EPA's Conflict Prevention and Resolution Center, and you participated in the convening process that was conducted by a third-party neutral retained by EPA. EPA understands the parties participated in the convening process in good faith and made themselves available to the convenor.

The convening process is now over. Having considered the feedback from the convenor, EPA understands the importance of the allocation report to the private work parties' efforts to formulate a good faith offer for the Operable Unit 2 remedial action ("OU2 RA") and the Operable Unit 4 remedial design and remedial action ("OU4 RD and RA") as requested in the March 2 letter. There is a good chance that the allocation report could be made public this summer. Thus, if Occidental Chemical Corporation ("OCC") either alone or with one or more of the other private work parties is willing to perform the OU4 RD consistent with EPA's OU4 Record of Decision, under an administrative order on consent (AOC) that will be based on model AOC language and be quickly negotiated without any conditions or demands that have previously been identified as unacceptable to EPA, we will extend the deadline for submittal of a good faith offer by the private work parties for the OU2 RA and OU4 RA, and a good faith offer by PVSC and the four municipalities, until the earlier of: (i) 21 days after the allocation report is released or (ii) August 31, 2022.

If OCC and any other parties are willing to perform the OU4 RD as discussed above they should notify EPA by June 14, 2022, after which EPA would provide a draft RD AOC. If EPA does not receive such a notification, then we will expect to receive good faith offers in response to the March 2, 2022 letter by June 28, 2022.

If you have any questions regarding this letter, please contact Juan Fajardo at 212-637-3132.

Sincerely,

Eric J. Wilson
Deputy Director for Enforcement and
Homeland Security
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ATTACHMENT A
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